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AUG 17 2007

**OFFICE OF PETITIONS**

In re Application of	:
Pravetz, et al.	:
Application No. 09/624,936	: DECISION ON APPLICATION
Filed: July 25, 2000	: FOR PATENT TERM ADJUSTMENT
Attorney Docket No. 07844-431001	:

This decision is in response to the "LETTER REGARDING PATENT TERM ADJUSTMENT (PTA) PURSUANT TO COMMENT 43 OF THE FINAL RULE (09/18/00) AT ALLOWANCE OF APPLICATION," filed March 20, 2007, notifying the Office of an error in Applicants' favor in the initial determination of patent term adjustment under 35 U.S.C. § 154(b).

The request for correction of the initial determination of patent term adjustment (PTA) is GRANTED.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment determination at the time of the mailing of the Notice of Allowance is **nine hundred fifty-three (953)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On December 20, 2006, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is one thousand, one hundred twenty-three (1123) days.

The Office initially determined a patent term adjustment of one thousand, one hundred twenty-three (1123) days based on an adjustment for PTO delay of seven hundred forty-five (745) days, pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), and five hundred eight (508) days pursuant to 35 U.S.C. 154(b)(1)(A)(ii) and 37 C.F.R. 1.703(a)(2), reduced by applicants' delays of one hundred twelve (112) and six (6) days pursuant to 35 U.S.C. 154(b)(2)(C)(i) and 37 C.F.R. § 1.704(b) and twelve (12) days pursuant to 35 U.S.C. 154(b)(2)(C)(i) and 37 C.F.R. § 1.704(c)(8).

A review of the record reveals that the Office mailed a non-final Office action December 30, 2004. Applicants timely filed a response on March 30, 2005. On April 11, 2005, applicants filed an IDS, and were assessed delay of twelve (12) days pursuant to 37 C.F.R. § 1.704(c)(8). However, applicants filed an additional IDS on September 28, 2005, and were not assessed any days of delay. This was in error. Applicants should have been assessed one hundred seventy (170) days of delay pursuant to 37 C.F.R. § 1.704(c)(8) beginning on the date after the reply was filed (April 12, 2005) and ending on the date applicant filed the second supplemental IDS (September 28, 2005).

In view thereof, the correct determination of PTA at the time of the mailing of the Notice of Allowance is **nine hundred fifty-three (953)** days (1253 (745+508) days of PTO delay, reduced by 300 (6+112+170+12) days of Applicant delay).

No petition fee was required. The Office thanks Applicants for their good faith and candor in bringing this matter to the attention of the Office.

The matter is being forwarded to the Office of Patent Publication for issuance of the patent.

Telephone inquiries specific to this letter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of adjusted PAIR calculation

Day : Wednesday

**PALM INTRANET**

Date: 8/15/2007

Time: 20:22:25

**PTA Calculations for Application: 09/624936**

Application Filing Date:	07/25/2000	PTO Delay (PTO):	1253
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	130
Post-Issue Petitions:	0	Total PTA (days):	953
PTO Delay Adjustment:	-170		

**File Contents History**

Number	Date	Contents Description	PTO	APPL	START
60	08/15/2007	ADJUSTMENT OF PTA CALCULATION BY PTO		170	
53	12/20/2006	MAIL NOTICE OF ALLOWANCE	508		37
52	12/18/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
51	12/18/2006	CASE DOCKETED TO EXAMINER IN GAU			
50	12/18/2006	ISSUE REVISION COMPLETED			
49	11/13/2000	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
48	09/28/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
47	09/26/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
45	09/28/2005	REFERENCE CAPTURE ON IDS			
44	09/28/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
43	06/27/2005	NOTICE OF ALLOWABILITY			
42	06/14/2005	CASE DOCKETED TO EXAMINER IN GAU			
41	04/19/2005	DATE FORWARDED TO EXAMINER			
40	04/19/2005	FEE PAYMENT RECORDED (FEES FILED SEPARATELY E.G. NOT WITH ORIGINAL PAPERS, ETC).			
39	04/11/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		12	37
38	04/19/2005	DATE FORWARDED TO EXAMINER			
37	03/30/2005	RESPONSE AFTER NON-FINAL ACTION			
36	12/30/2004	MAIL NON-FINAL REJECTION			
35	12/23/2004	NON-FINAL REJECTION			
34	11/22/2004	DATE FORWARDED TO EXAMINER			

33	10/27/2004	REQUEST FOR CONTINUED EXAMINATION (RCE)		112	18
32	11/22/2004	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
31	10/13/2004	MAIL ADVISORY ACTION (PTOL - 303)			
30	10/12/2004	ADVISORY ACTION (PTOL-303)			
29	10/08/2004	MAIL ADVISORY ACTION (PTOL - 303)			
28	10/07/2004	ADVISORY ACTION (PTOL-303)			
27	10/06/2004	CASE DOCKETED TO EXAMINER IN GAU			
26	09/14/2004	DATE FORWARDED TO EXAMINER			
25	09/09/2004	AMENDMENT AFTER FINAL REJECTION			
24	09/09/2004	MISCELLANEOUS INCOMING LETTER			
23	09/09/2004	WORKFLOW INCOMING AMENDMENT IFW			
22	07/15/2004	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
21	07/04/2004	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
20	06/10/2004	LETTER REQUESTING INTERVIEW WITH EXAMINER			
19	07/07/2004	WORKFLOW INCOMING AMENDMENT IFW			
18	04/07/2004	MAIL FINAL REJECTION (PTOL - 326)			
17	04/05/2004	FINAL REJECTION			
16	02/03/2004	DATE FORWARDED TO EXAMINER			
15	01/16/2004	RESPONSE AFTER NON-FINAL ACTION		6	14
14	10/10/2003	MAIL NON-FINAL REJECTION	745		-1
13	10/06/2003	NON-FINAL REJECTION			
12	07/29/2003	CASE DOCKETED TO EXAMINER IN GAU			
11	07/24/2003	CASE DOCKETED TO EXAMINER IN GAU			
10	07/24/2003	CASE DOCKETED TO EXAMINER IN GAU			
9	07/24/2003	CASE DOCKETED TO EXAMINER IN GAU			
8	01/21/2003	CASE DOCKETED TO EXAMINER IN GAU			
7	12/30/2001	CASE DOCKETED TO EXAMINER IN GAU			
6	03/07/2001	APPLICATION DISPATCHED FROM OIPE			
5	03/07/2001	APPLICATION IS NOW COMPLETE			
4	09/19/2000	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
3	09/13/2000	CORRESPONDENCE ADDRESS CHANGE			
2	08/17/2000	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	07/25/2000	INITIAL EXAM TEAM NN			

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**EXPLANATION OF PTA CALCULATION**

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